

**Business Credit Insurance  
Virginia Filing Checklist**

REVIEW REQUIREMENTS	REFERENCE	COMMENTS
<b>FORMS</b>		
<b>Applications</b>		
Are not subject to the review or approval of the Virginia BOI	<a href="#">§ 38.2-305</a> <a href="#">§ 38.2-317</a>	An application for insurance is not a “policy form” or “endorsement” under the provisions of Virginia law. In order to satisfy Virginia's form filing requirements, all coverages, terms, exclusions, and conditions of the policy must be contained in the policy forms and/or endorsements. It is the insurer's responsibility to make sure that any provisions in an application have also been approved in the policy forms or endorsements.
Fraud Statement Required	<a href="#">§ 52-40 B</a>	Fraud language must be included in every application. If the company's fraud notice uses wording other than the statutory wording, the Fraud Bureau of the Virginia State Police must approve the revised language. The statutory language is as follows; “It is a crime to knowingly provide false, incomplete or misleading information to an insurance company for the purpose of defrauding the company. Penalties include imprisonment, fines and denial of insurance benefits.”
Warranties in Applications Prohibited	<a href="#">§ 38.2-309</a>	Statements in applications are representations, not warranties, and may not be used to bar recovery unless the statement was material to the risk and proven untrue.
<b>Arbitration</b>		
Binding Arbitration and/or Appraisal Provisions Prohibited	<a href="#">§ 38.2-312</a> <a href="#">Administrative Letter 1998-12</a>	Arbitration and/or appraisal provisions are allowed, but the result of the arbitration or appraisal cannot be stated as binding in the policy. Binding arbitration between companies is acceptable.
<b>Bankruptcy Provision</b>		
N/A to This Line of Insurance		
<b>Cancellation &amp; Nonrenewal</b>		
<b>No Statutory Provisions</b>		
Calculation of Return Premium	<a href="#">§ 38.2-305</a>	The method of calculation of return premium upon cancellation must be clearly stated in the policy.
<b>Filing Standards</b>		
30-Day Prior Approval	<a href="#">§ 38.2-317</a> <a href="#">Administrative Letter 1990-3</a>	Forms must be filed at least 30 days prior to the proposed effective date and will be approved or disapproved within 30 days of receipt by the Bureau. This 30-day period may be extended by the Bureau in writing for an additional 30 days if necessary. Cover letter must request implementation based on “ policies effective” on and after a specific date, which is at least 30 days after the filing will be received by the Bureau.
Line of Authority	<a href="#">§ 38.2-122</a>	This coverage must be included in the definition of credit insurance and the company must be licensed to write that line of insurance. Default is the coverage trigger.
Clear and Unambiguous Language	<a href="#">§ 38.2-317</a>	Policy forms and endorsements shall not contain misleading, inconsistent, ambiguous, unclear, or deceptively worded provisions, exceptions, or titles.
Type Size	<a href="#">§ 38.2-311</a>	All policy forms and endorsements must be printed in 8 point or larger type.
Countersignature	<a href="#">§ 38.2-323</a>	No insurance policy shall contain any provision that deems a policy to be invalid due to the absence of the signature or countersignature of an agent or company representative.
Contents of Policies	<a href="#">§ 38.2-305</a> <a href="#">§ 38.2-310</a>	The policy must include all conditions pertaining to the insurance. All fees, charges, premiums, or other consideration charged for the insurance must be stated in the policy.

<b>Large Commercial Risk Form Exemption</b>	<a href="#"><u>§ 38.2-1903.1</u></a>	Exemption for large commercial risk meeting defined criteria from the filing of forms. The forms must continue to meet all provisions of the Code of Virginia.
<b>Liberalization Clause Not Required</b>		
<b>Loss Settlement</b>		
<b>Limiting Time to Bring Action</b>	<a href="#"><u>§ 38.2-314</u></a>	No provisions shall limit the time to bring action to less than one year after a loss occurs or a cause of action accrues.
<b>RATING</b>		
<b>Pricing</b>		
<b>Rules and Rates Are Exempt</b>	<a href="#"><u>Administrative Order 11348</u></a>	Order exempts rates for credit policies when both parties to the contract are commercial entities.
<b>Premium Waiver Rule</b>	<a href="#"><u>Administrative Letter 1983-12</u></a>	Return premiums must be paid upon request and the named insured must be notified that a return premium is available.
<b>Rating Plan Requirements</b>		
<b>No Requirements if Rates Exempt</b>		
<b>General Filing References</b>		
<b>Cover Letter</b>	<a href="#"><u>Administrative Letter 1983-7</u></a> <a href="#"><u>Administrative Letter 1990-3</u></a>	The cover letter must contain the NAIC number and the full company name of each company for which the filing is submitted. The cover letter must request implementation based on "policies effective" on and after a specific date.
<b>Third Party Filers</b> <a href="#"><u>VA Filing Guidelines Handbook</u></a>	Administrative Requirement	Third party filers must provide a signed original letter of authorization or a signed authorization form. The form is included in the Virginia Filing Guidelines Handbook.
<b>Form's List</b> <b>Withdrawing or Replacing Forms or Manual Pages</b>	Administrative Requirement	An updated list of forms in numerical order including form numbers, edition dates, and titles must be provided with every filing that includes forms. The cover letter should indicate whether any forms are being withdrawn or replaced.
<b>Copies, Return Envelope</b>	Administrative Requirement	A complete copy of the filing must be provided for each company for which the filing is being submitted. An extra copy of the cover letter must be included for acknowledgement, along with a postage-paid envelope.
<b>Filings must be made by line and by program</b>	Administrative Requirement	Filings (other than installment payment plans) must be made separately by line of insurance and/or by program and include a complete copy of the filing for each company to which it applies. Group filings must be sorted and collated by company. This also applies to replies to correspondence and to re-submissions.

Access to Administrative Letters, Administrative Orders, Regulations and Laws is available at  
<http://www.state.va.us/scc/division/boi/webpages/administrativeltrs.htm>

The Commercial Multiline Rates and Forms Section handles business credit insurance programs. Please contact this section at (804) 371-9298 if you have questions or need additional information about this line of insurance.

**CERTIFICATON OF FILING**

I hereby certify that I have reviewed the attached Business Credit filing and determined that it is in compliance with the items listed in the Business Credit Review Standards Checklist.

**Signed:** \_\_\_\_\_

**Name:** \_\_\_\_\_ **Title:** \_\_\_\_\_

**Company Name:** \_\_\_\_\_

**Date:** \_\_\_\_\_ **Phone No: ( )** \_\_\_\_\_ **FAX No: ( )** \_\_\_\_\_

**E-Mail Address:** \_\_\_\_\_